

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Erie

Local Law No. 1 of the year 2010

A local law in relation to reducing the size of the Erie County Legislature.
(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Erie

as follows:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that the size of the Erie County Legislature be reduced from fifteen (15) members to eleven (11) members to respond to the decline in the population of Erie County and to reduce the costs of government for the taxpayers of Erie County. It is further the intent of the Legislature that this proposed change to the Erie County Charter be placed on the November, 2009 ballot as a referendum question. It is further the intent of the Legislature that the boundaries for the eleven districts be determined in 2011 after the federal decennial census is taken in a manner consistent with Section 210 of the Erie County Charter.

SECTION 2. Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 1 of the Erie County Charter is hereby amended to read as follows:

Section 105. Legislative Districts. The County of Erie is hereby divided into ~~fifteen~~ eleven districts, described as follows:

Section 106. Legislative districts, continued. The ~~seventeen-fifteen~~ legislative districts as previously bounded and described by ~~Local Law No. 2-1991~~ Local Law No. 4-2002, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, ~~2004~~ 2012. For the purpose of the general election of ~~2003-2011~~ and all other purposes, except as herein before provided, the county of Erie is divided into ~~fifteen-eleven~~ eleven districts, as described as contained in section hundred five herein.

Article 2 of the Erie County Charter is hereby amended to read as follows:

Section 201. County Legislature constituted. The county legislature shall be composed of ~~fifteen~~ eleven members who shall be elected one from each of the ~~fifteen~~ eleven districts set forth in section one hundred five hereof. The county legislators representing the ~~fifteen~~ eleven districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

Section 202.2 Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years.

SECTION 3. EFFECTIVE DATE. This Local Law shall take effect on January 1, 2012.

SECTION 4. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY

LEGISLATOR THOMAS A. LOUGHRAN

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the

(Name of Legislative Body) on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer*)

on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2010 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Erie was duly passed by the Erie County Legislature on March 4 2010, and was (approved)(~~not approved~~)

(Name of Legislative Body)

(repassed after disapproval) by the Erie County Executive on March 24 2010.

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(~~permissive~~) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(~~special~~)(~~annual~~) election held on November 2 2010, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)

(repassed after disapproval) by the _____ on _____ 20____. Such local

(Elective Chief Executive Officer*)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 3 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11-5-10

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Assistant County Attorney

Title

County
~~XX~~ of ERIE
~~XX~~
~~XX~~

Date: 11/8/10